



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ML/SK
F.#2015R01313

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 15, 2017

SENSITIVE DISCOVERY MATERIALS

By ECF and Federal Express

Susan G. Kellman, Esq.
25 Eighth Avenue
Brooklyn, NY 11217

Re: United States v. Ali Saleh
Criminal Docket No. 15-517 (S-1)(WFK)

Dear Counsel:

The government hereby provides notice, pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, of experts that it intends to call at trial. The government further writes to disclose additional materials pursuant to Rule 16. The enclosed materials are provided pursuant to the Protective Order Pertaining to Unclassified Information entered by the Court on November 16, 2015 (the "Order"). Materials designated SENSITIVE DISCOVERY MATERIALS must be handled as provided in the Order. In addition, the government renews its request for reciprocal discovery, including any and all expert disclosures.

The government expects to call Dr. Lorenzo Vidino as an expert regarding the Islamic State and al-Sham ("ISIS"). Dr. Vidino is expected to testify regarding ISIS's history, structure, strategic goals, geographic location, and methods and means, including the organization's use of social media and propaganda materials to recruit fighters from the United States and other western countries and as well as the travel patterns utilized by the foreign recruits when attempting to travel to Syria and Yemen, among other places. Dr. Vidino will further testify about the meaning of certain jargon used by the defendant or that appears in the materials the defendant kept on his electronic devices, including the terms "jihad," "daesh," and "dawla." Finally, Dr. Vidino may be asked to testify about certain physical evidence the government will introduce at trial, including videos and other propaganda materials seized from the defendant's electronic devices or social media accounts, and to explain the significance of those materials and the phrases, images, and symbols contained therein in the context of the defendant's radicalization and embrace of ISIS and the broader global jihadi movement. These materials reference words, concepts,

individuals, and places that are well-known to students of global jihad and terrorism but are unfamiliar to ordinary people. Enclosed, for your reference, is Dr. Vidino's curriculum vitae, marked as 3500-LV-1. Further, marked as 3500-LV-2, is Dr. Vidino's recent testimony in another matter, and marked as 3500-LV-3, a report he prepared in another matter.

The government also expects to call Federal Bureau of Investigation Forensic Examiner Raleigh Parrott II in the explosives unit to testify regarding the chemical composition of the substances contained in the fireworks seized from the defendant's car, photos of which were previously produced on December 7, 2015 and February 29, 2016, bearing Bates numbers 437 and 15187-88. A copy of his curriculum vitae will be enclosed under separate cover. Materials related to his testimony, specifically, the laboratory report, are hereby provided pursuant to Rule 16, bearing Bates numbers 18128-30. The government also anticipates calling an additional Federal Bureau of Investigation Forensic Examiner, who will testify as to the weight and quantity of the substances contained in the fireworks described above. The government will provide the name, credentials and underlying materials to the defense when they become available.

In addition, the government expects to call Federal Bureau of Investigation Special Agent Bomb Technician P.J. O'Brien to testify regarding the use of the chemicals contained in the fireworks seized in creating explosive devices, and, specifically, in creating the explosive devices described in the pamphlet, "Muslim Gangs," found on the defendant's electronic devices and the impact of those explosive devices. A copy of the pamphlet was contained in the forensic imaging provided to the defense on February 29, 2016, bearing Bates number 15179. An additional copy of the pamphlet is hereby provided to the defense, bearing Bates numbers 18131 to 18175. A copy of SABA O'Brien's curriculum vitae will be provided under separate cover.

Finally, the government advises that it expects to call Federal Bureau of Investigation Forensic Examiners Craig Roth and Soyup Hahn of the Computer Analysis Response Team. Forensic Examiners Roth and Hahn will testify regarding the forensic examination of the electronic devices seized in connection of the investigation. Materials related to their testimony were provided to the defense on February 29, 2016, bearing Bates number 15179. A copy of the curriculum vitae for both Forensic Examiners Roth and Hahn are hereby provided, marked as 3500-CR-1 and 3500-SH-1.

The government reserves the right to call additional and/or substitute expert witnesses. The government will comply with Federal Rule of Criminal Procedure 16(a)(1)(G) and Federal Rules of Evidence 702, 703 and 705 and notify you in a timely

fashion of any additional or substitute experts that the government intends to call at trial and provide you with a summary of the experts' opinions.

Very truly yours,

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/
Margaret Lee
Saritha Komatireddy
Assistant U.S. Attorneys
(718) 254-6205/6054

Enclosures

cc: Clerk of the Court (WFK) (by ECF) (without enclosures)